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OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY and NEW YORK MEDICAL COLLEGE, Defendants. Defendants. Defendants. SIFULATED REQUEST FOR EXPEDITED HEARING AND BRIEFING SCHEDULE ON MOTION FOR PROTECTIVE ORDER AND ORDER (CIVIL LOCAL RULE 6-2) DATE: MAY 22, 2006 (requested) TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT)				
BERGESON, LLP 303 Almaden Boulevard, Suite 500 San Jose, CA 95110-2712 Telephone: (408) 297-6000 Attorneys for HERBALIFE INTERNATIONAL, INC. Juanita Brooks (SBN 75934/brooks@fr.com) Carlyn Hacker (SBN 227851/hacker@fr.com) FISH & RICHARDSON P.C. 12390 El Camino Real San Diego, CA 92130-2081 Telephone: (858) 678-5099 Attorneys for Plaintiffs UNITHER PHARMA, INC., THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, and NEW YORK MEDICAL COLLEGE Additional Counsel Appear On Signature Page UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION HERBALIFE INTERNATIONAL, INC., Plaintiff, V. UNITHER PHARMA, INC., THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY and NEW YORK MEDICAL COLLEGE, Defendants. Case No. C03-5878 (JW) & C03-5090 (JW) Related Case Nos. C02-5284 (JW) & C03-0415 (JW) STIPULATED REQUEST FOR EXPEDITED HEARING AND BRIEFING SCHEDULE ON MOTION FOR PROTECTIVE ORDER AND ORDER (CIVIL LOCAL RULE 6-2) DATE: MAY 22, 2006 (requested) TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT)	1	Hway-Ling Hsu (Bar No. 196178/hhsu@be-law.com) BERGESON, LLP		
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7 FISH & RICHARDSON P.C. 12390 El Camino Real 8 San Diego, CA 92130-2081 Telephone: (858) 678-5079 Facsimile: (858) 678-5099 10 Attorneys for Plaintiffs UNITHER PHARMA, INC., THE BOARD OF TRUSTEES OF THE LELAND STANFORD 11 JUNIOR UNIVERSITY, and NEW YORK MEDICAL COLLEGE 12 Additional Counsel Appear On Signature Page 13 14 UNITED STATES DISTRICT COURT 15 NORTHERN DISTRICT OF CALIFORNIA 16 SAN JOSE DIVISION 17 HERBALIFE INTERNATIONAL, INC., 18 Plaintiff, 19 V. 20 UNITHER PHARMA, INC., THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY and NEW YORK MEDICAL COLLEGE, 21 Defendants. 22 Defendants. 23 Defendants. 24 DATE: MAY 22, 2006 (requested) TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT)	6		*ORDER E-FILED 5/10/06*	
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DATE: MAY 22, 2006 (requested) TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT) 28	22	,	AND ORDER	
TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT) 28	23	Defendants.	,	
26 (MODIFIED BY THE COURT) 27 28	24			
27 28	25		HONORABLE HOWARD R. LLOYD	
28			(MODIFIED BY THE COURT)	
	27			
	28	STIPULATED REQUEST FOR EXPEDITED		

STIPULATED REQUEST FOR EXPEDITED HEARING & BRIEFING SCHEDULE

1	UNITHER PHARMA, INC., THE BOARD		
2	OF TRUSTEES OF THE LELAND		
3	STANFORD JUNIOR UNIVERSITY, and NEW YORK MEDICAL COLLEGE,		
4	Plaintiffs,		
5	v.		
6	HERBALIFE INTERNATIONAL, INC.,		
7	Defendant.		
8			
9	WHEDEAG II'I DI I TI D I CT (CT) I I I C. C II '		
10	WHEREAS, Unither Pharma, Inc., The Board of Trustees of The Leland Stanford Junior		
11	University, and New York Medical College (collectively "Unither") noticed the Rule 30(b)(6)		
12	deposition of Herbalife International, Inc. ("Herbalife") to take place May 10 and May 12, 2006		
13	in the above-captioned matters;		
	WHEREAS, Herbalife intends to move this Court on May 8, 2006 for a protective order		
14	precluding Unither from proceeding with certain topics (the "Motion");		
15	WHEREAS, Civil Local Rule 7-2 requires that all motions must be filed, served and		
16	noticed in writing on the motion calendar of the assigned Judge for hearing not less than 35 days		
17	after service of the motion;		
18	WHEREAS, a fully noticed motion under Civil Local Rule 7-2 would not allow for a		
19	ruling on the disputed discovery request prior to the close of fact discovery in this matter;		
20	WHEREAS, the parties believe it will benefit all parties and that good cause exists to have		
21	the Motion resolved on an expedited basis, prior to the close of fact discovery in this matter;		
22	WHEREAS, the parties have agreed to a modified, expedited briefing schedule for the		
23	Motion;		
24	WHEREAS, the parties have met and conferred and, pursuant to Civil L.R. 6-2 and 7-11.		
25	IT IS HEREBY STIPULATED by and between the parties, through their respective counsel of		
26	record that:		
27	1. Herbalife shall serve and file the Motion on May 8, 2006.		
28	-		
	STIPULATED REQUEST FOR EXPEDITED HEARING		

4			
1	2. Unither shall file and serv	ve its papers in opposition to the Motion on or before	
2	May 11, 2006.		
3	3. Herbalife shall file and serve reply papers in support of the Motion, if any, on or		
4	before May 15, 2006.		
5	4. The Parties respectfully request that the hearing on the Motion take place on		
6	May 22, 2006 (or as soon thereafter as is convenient for the Court).		
7	IT IS SO STIPULATED.		
8	Dated: May 8, 2006	By:	
9		Daniel J. Bergeson (Bar No. 105439) Hway-ling Hsu (Bar No. 196178)	
11		BERGESON, LLP 303 Alamaden Boulevard, Suite 500	
12		San Jose, CA 95110 Telephone: (408) 291-6200	
13		Facsimile: (408) 297-6000 dbergeson @be-law.com	
14		hhsu@be-law.com	
15		James W. Dabney (<i>pro hac vice</i>) Stephen S. Rabinowitz	
16		FRÎED, FRANK, HARRIS, SHRIVER & JACOBSON, LLP	
17		One New York Plaza New York, NY 10004	
18		Telephone: (212) 859-8000 Facsimilie: (212) 859-4000	
19		dabnejam@ffhsj.com rabinst@ffhsj.com	
20		Laura A. Coruzzi (pro hac vice)	
21		JONES DAY 222 East 41 st Street	
22		New York, NY 10017 Telephone: (212) 326-3939	
23		Facsimile: (212) 755-7306 lacoruzzi@jonesday.com	
24		Attorneys for HERBALIFE INTERNATIONAL, INC.	
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27			
28			
	STIPULATED REQUEST FOR EXPEDITED		

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1	Dated: May 8, 2006 By:	K Cl Bourd	
2	2	a Brooks (SBN 75934)	
3	Carlyn	Hacker (SBN 227851) RICHARDSON P.C.	
4	12390	El Camino Real	
5	5 Teleph		
6		s@fr.com	
7	7	@fr.com	
8	B Limin	I. Boyd (SBN 189808) Zheng (SBN 226875) & RICHARDSON P.C.	
9	500 Ar Redwo	rguello Street, Suite 500 ood City, CA 94063	
10	Teleph Facsin	none: (650) 839-5070	
11		fr.com @fr.com	
12		eys for Plaintiffs	
13	B UNITI	HER PHARMA, INC., THE BOARD OF TEES OF THE LELAND STANFORD	
14	JUNIO MEDI	OR UNIVERSITY, and NEW YORK CAL COLLEGE	
15	Herbalife's motion for protective order will be heard on May 23, 2006, 10:00 a.m. in Courtroom		
16	2. The parties shall otherwise proceed as set forth in t	heir stipulation.	
17	PURSUANT-TO-STIPULATION,		
18	IT IS SO ORDERED.	1 ()	
19		ED ST. TES MAGISTRATE JUDGE	
20		HOWARD R. LLOYD	
21			
22			
23	3		
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25	5		
26	5		
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28			
	STIPULATED REQUEST FOR EXPEDITED HEARING		